

### REMARKS/ARGUMENTS

This amendment is responsive to the Office Action mailed January 28, 2005 wherein claims 17-28 were allowed; claim 12 was objected to for being dependent upon a rejected based claim; claims 11, 13, 14 and 15 were rejected under 35 USC §102 (b) as being anticipated by Sliwa (US 5297553); and claim 16 was rejected under USC §103 (a) on Sliwa in view of Hatangadi (US 6759791). In this amendment, no new matter has been added.

Claims 11-28 remain pending in this application. Claims 1-10 are withdrawn from consideration. Reconsideration in light of the following remarks is respectfully requested.

The rejection of Claims 11, 13, 14 and 15 under 35 USC §102 (b) on Sliwa is respectfully traversed. The present invention, as claimed in independent claim 11 is patentable over the Sliwa reference and claims 12-16 are patentable by dependency. "Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." W.L. Gore & Associates v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983).

The Sliwa reference does not disclose each element of the present invention as claimed in independent claim 11. Specifically, the present invention claims an acoustic backing layer comprising a layer of acoustically attenuative material with a plurality of via-shaped internal structures, each of said via-shaped internal structures having a deposit of electrically conductive material thereon and bounding a volume filled with acoustically attenuative material. The Sliwa reference does not teach or suggest the recited via-shaped internal structure having a deposit of electrically conductive material and bounding a volume filled with acoustically attenuative material. By contrast, the Sliwa reference instead teaches an acoustic backing comprised of rigid polymer or polymer coated particles fused in a manner to retain residual porosity capable of being fluid filled. Further, Sliwa discloses in col. 3, lines 27-36 (the section upon which the Examiner relies in making this rejection for Applicants' via-shaped structure) acoustic material with hollow particles 20, but nowhere does Sliwa disclose or suggest vias or throughholes as described in Applicants' recited claims nor does Sliwa disclose or suggest internal structures having a deposit of electrically conductive material. Therefore, the present invention, as claimed in Claim 11 is not anticipated by the Sliwa reference. Claims 12-16 depend directly or indirectly from claim 11, respectively. Accordingly, Applicants submit that claims 12-16 are allowable by dependency.

Therefore, as stated above, the present invention, as claimed in Claims 11-16 is patentable over the Sliwa reference. Thus, it is respectfully requested that the rejection of Claims 11, 13, 14 and 15 under 35 USC §102 be withdrawn.

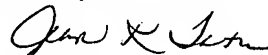
Applicants respectfully traverse the rejection of claim 16 under 35 USC 103(a) over Sliwa

in view of Hatangadi. As described with reference to the rejections under 35 USC 102(b) above, Applicants respectfully submit the Sliwa reference does not show, disclose or suggest Applicants' recited an acoustic backing layer comprising a layer of acoustically attenuative material with a plurality of via-shaped internal structures, each of said via-shaped internal structures having a deposit of electrically conductive material thereon and bounding a volume filled with acoustically attenuative material. The Hatangadi reference does not overcome the deficiencies of Sliwa. Hatangadi merely discloses an ultrasonic transducer comprising a layer of acoustic matching material but does not disclose Applicants' recited invention of independent claim 11, from which claim 16 depends – "an acoustic backing layer comprising a layer of acoustically attenuative material with a plurality of via-shaped internal structures, each of said via-shaped internal structures having a deposit of electrically conductive material thereon and bounding a volume filled with acoustically attenuative material". In particular, the Hatangadi reference does not teach, disclose or suggest Applicants' recited via-shaped internal structures as particularly recited in claim 11. Therefore, Applicants submit that no reasonable combination of the cited references would obtain Applicants' invention as recited in claim 11 and claim 16, since claim 16 recites further inventive features based on claim 11. Thus, Applicants respectfully submit that claim 16 is patentable over the Sliwa and Hatangadi references. Therefore, Applicants' respectfully submit that claim 16 is allowable and requests that the rejection under 35 USC §103 (a) be withdrawn.

In view of the foregoing amendment and for the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

Should the Examiner believe that anything further is needed to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



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